

Message Text

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PAGE 01 STATE 189169
ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 JUSE-00 SCA-01 /017 R

DRAFTED BY L/M:GALEHNER:AD
APPROVED BY L/M:KEMALMBORG
JUSTICE - MR. STEIN (INFO)
EUR/CE - MR. CASAGRANDE

-----088528 111813Z /56

R 102130Z AUG 77
FM SECSTATE WASHDC
TO AMEMBASSY BONN

LIMITED OFFICIAL USE STATE 189169

E.O. 11652: N/A

TAGS: CPRS, US, GW

SUBJECT: US-FRG EXTRADITION TREATY

REF: BONN 10362

1. RE PARA 2, REFTEL: DEPARTMENT SEES NO PROBLEM ADDING
"OR OTHER MEANS OF COMMUNICATION" IF THIS WILL CLARIFY TEXT
FOR FRG.
2. RE PARA 3, REFTEL: DEPARTMENT IS PREPARING PAPERS AS
REQUESTED.
3. RE PARA 6, REFTEL: IN RE THE PROPOSED TEXT OF PROTOCOL
NOTE, THE DEPARTMENT POINTS OUT THAT THE U.S. IS NOT NOW A
PARTY TO THE GENOCIDE CONVENTION. THE PROTOCOL NOTE SHOULD
THEREFORE NOT REPEAT NOT INCLUDE A REFERENCE TO THIS AGREE-
MENT. DEPARTMENT AGREES WITH EMBASSY SUGGESTION THAT
ENGLISH TEXT OF NOTE READ "IN ANY EVENT," IN LIEU OF "IN
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PARTICULAR."

4. IN RE ARTICLE 1 OF DRAFT TREATY, THE DEPARTMENT HAS
RECENTLY CONCLUDED A POLICY REVIEW OF JURISDICTIONAL PROVI-
SIONS IN OUR EXTRADITION TREATIES. IN PARTICULAR THE
DEPARTMENT HAS AGREED IN OUR RECENT NEGOTIATIONS WITH THE

JAPANESE TO GRANT EXTRADITION OF FUGITIVES WHO ARE NATIONALS OF THE REQUESTING STATE AND COMMIT CRIMES OUTSIDE THE TERRITORY OF THE REQUESTING STATE.

5. DEPARTMENT NOTES THAT THE FRG WAS VERY INTERESTED IN INCLUDING SUCH A PROVISION IN THE NEW EXTRADITION TREATY, BUT THAT DEPARTMENT REJECTED THIS SUGGESTION SEVERAL YEARS AGO. IN VIEW OF RECENT POLICY CHANGE AND IN VIEW OF A RECENT AGREEMENT WITH JAPANESE, EMBOFFS ARE REQUESTED TO RE-OPEN NEGOTIATIONS WITH FRG ON THE JURISDICTIONAL SCOPE OF PROPOSED EXTRADITION TREATY.

6. SPECIFICALLY, EMBASSY REQUESTED TO SUGGEST FOLLOWING TEXT TO REPLACE ARTICLE I(2). BEGIN TEXT -

(2) WHEN THE OFFENSE HAS BEEN COMMITTED OUTSIDE THE TERRITORY OF THE REQUESTING STATE AND THAT STATE HAS JURISDICTION TO TRY A PERSON FOR THAT OFFENSE, THE REQUESTED STATE SHALL GRANT EXTRADITION SUBJECT TO THE PROVISIONS DESCRIBED IN THIS TREATY IF EITHER (A) THE LAWS OF THE REQUESTED STATE WOULD PROVIDE FOR THE PUNISHMENT OF SUCH AN OFFENSE COMMITTED IN SIMILAR CIRCUMSTANCES, OR (B) THE PERSON WHOSE EXTRADITION IS REQUESTED IS A NATIONAL OF THE REQUESTING STATE. END TEXT. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, EXTRADITION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 10-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: GALEHNER:AD
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Executive Order: N/A
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Format: TEL
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Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770875/aaaacmn.tel
Line Count: 86
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 792aa45c-c288-dd11-92da-001cc4696bcc
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Review Release Date: n/a
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Review Withdrawn Fields: n/a
SAS ID: 1642175
Secure: OPEN
Status: NATIVE
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TAGS: CPRS, US, GE, FR
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